

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE STATE BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS**

IN THE MATTER OF:

JOHN BRADLEY HILL,
License No. LSA.457,

OIE # 2013-2,

Respondent.

FINAL ORDER

This matter came before the State Board of Landscape Architectural Examiners ("Board") for hearing on May 21, 2014, to consider the Memorandum of Agreement and Stipulations signed by the above named Respondent on May 20, 2014 ("MOA"). In the MOA, Respondent waived formal hearing procedures and elected to dispose of the matter pursuant to S.C. Code Ann. § 1-23-320(f)(1976, as amended), in lieu of, *inter alia*, a formal contested hearing before the Board.

The hearing was held pursuant to S.C. Code Ann. §§40-1-70, 40-1-90, 40-28-130, and the provisions of the Administrative Procedures Act, S.C. Code Ann. §1-23-10, *et seq.* (1976 as amended) to determine what sanctions, if any, were appropriate.

Tracey R. Perlman, Esq., Assistant Disciplinary Counsel, represented the State. Respondent was present, waived the right to counsel and proceeded *pro se*. After consideration, the Board voted to accept the MOA, with the sanctions specified in this Order.

FINDINGS OF FACT

In the MOA Respondent admitted the following facts, which are accepted by the Board.

1. Respondent admits that he was licensed by the Board of Landscape Architectural Examiners as a Landscape Architect at all times relevant to this action.
2. Respondent admits that on April 12, 2013, he was notified that he had been randomly selected for an audit of his compliance with the continuing education requirements pursuant to S.C. Code Regs. 76-6.
3. Respondent admits that on June 3, 2013, he was again notified that he had been randomly selected for an audit of his compliance with the continuing

education requirements pursuant to S.C. Code Regs. 76-6.

4. Respondent admits that he was not in compliance with the continuing education requirements for practicing as a Landscape Architect in South Carolina.
5. On June 25, 2013, the Board issued an order to Cease and Desist against Respondent for his failure to comply with the continuing education requirements in South Carolina.

At the hearing, the evidence of the following mitigating circumstances was received:

6. Respondent testified that he regularly attends continuing education classes, did attend continuing education classes during the time in question, and obtained the required number of continuing education hours for the prior licensing period that is in question.
7. Respondent further testified that he did not maintain documentation of his attendance at continuing education classes. Because he did not maintain this documentation, he was unable to comply with the audit.
8. Respondent has taken fourteen hours of continuing education classes since the time he was contacted by the Board regarding his continuing education hours.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. As admitted by Respondent in the MOA, Respondent's acts in Paragraphs 1-5 of the Findings of Fact above present grounds that constitute misconduct in violation of S.C. Code Regs. 76-6, in that Respondent failed to fulfill the continuing education requirements, to file the required report or to comply with audit and verification requests made by the Board; and constitute misconduct in violation of S.C. Code Ann. § 40-1-110(1)(f) (1976, as amended) in that Respondent has engaged in an unprofessional act that is likely to harm the public.
2. The Board has jurisdiction in this matter. S.C. Code Ann. §§ 40-28-140 and 40-1-120(1976 as amended) provide that upon a finding of a violation of § 40-28-130 or of the Board's regulations, the Board has the authority to do the following: issue a public reprimand; impose a fine not to exceed five hundred


dollars; place a licensee on probation; or restrict or suspend the individual's license for a definite or indefinite time; prescribe conditions to be met during probation, restriction, or suspension including, but not limited to, satisfactory completion of additional education, of a supervisory period, or of continuing education programs; or, permanently revoke a license. Additionally, pursuant to S.C. Code Ann. §§ 40-1-170 and 40-28-170, the Board may impose upon a violator the reasonable costs of the investigation and prosecution.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Memorandum of Agreement and Stipulations is ACCEPTED.
2. Respondent is publicly reprimanded.
3. Respondent's license is suspended per the Cease and Desist order which shall continue until he provides proof acceptable to the Board staff that he has taken ten hours of acceptable continuing education classes, with those hours to be applied to the prior licensing period. Respondent will need to obtain an additional twenty hours of continuing education classes to be applied to the current licensing period, ending on January 31, 2015.

AND IT IS SO ORDERED.

**STATE BOARD OF LANDSCAPE
ARCHITECTURAL EXAMINERS**

BY: 
J. Parks McLeod
Chairman

June 9, 2014.